(90)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

CORAM : HON'BLE SHRI S.R.NAYAK, CJ.
HON'BLE SHRI V.K.SHRIVASTAVA, J.

Writ Petition No. 2019 of 2001

Petitioner — Mangli Bai, W/o Late Ramnath, aged about 35 years resident of Village Banshipur, Post office Bhatgaon, Patwari Halka No.17, Pratappur, District Sarguja (CG).

Versus

Respondents

1. South Eastern Coalfields Limited through its Chairman - cum - Managing Director, Seepat Road, Bilaspur (CG).
2. Chief General Manager South Eastern Coalfields Limited, Bhatgaon Area, Bhatgaon, District Sarguja (CG).
3. Deputy Chief Personnel Manager, South Eastern Coalfields Limited, Bhatgaon Area, Bhatgaon, District Sarguja (CG).

Present :- Ms Sushma Chandel, counsel for the petitioner.
Mr. Pravin Das, counsel for the respondents.

ORAL ORDER
(Dated 27th November, 2006)

The following oral order of the Court was passed by **S.R.Nayak, CJ. :**

The petitioner is the owner of 0.20 hectare of land comprised in khasra No.1122/2 of village Banshipur. 0.08 hectare of land, out of the said land, was acquired under the provisions of the Land Acquisition Act, 1894 (for short "the Act") for the benefit of South Eastern Coalfields Limited (for short "SECL"), the first respondent herein. It is stated that the compensation determined by the Land Acquisition Officer has been already paid to the petitioner in pursuance to the award passed in the year 1998.

What is claimed in this writ petition is that in terms of the Madhya Pradesh Rehabilitation Scheme, 1991 framed by the State Government the petitioner ought to have been given employment in the colliery run by the SECL, she being a land oustee.

The writ petition is opposed by the Management of the SECL by filing return. The relief is opposed on the ground that under the M.P. Rehabilitation Scheme, 1991 only those oustees whose 2/3rd of land of the total holding, if acquired, are entitled to appointment under the Scheme and not otherwise.

The assertion made by the Management of the SECL that at the relevant point of time the petitioner held 0.20 hectare of land and of which only 0.08 hectare of land has been acquired. It is needless to state that 0.08 hectare is less than 2/3rd of the land held by the petitioner and, therefore, in terms of the M.P. Rehabilitation Scheme, 1991 the petitioner cannot seek appointment as a matter of law or matter of course.

In the result, we dismiss the writ petition. No costs.

Sd/-
Chief Justice

Sd/-
V.K. Shrivatava
Judge

Gowri